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Political Philosophy and the Primacy of Agency

I Two Themes

In his political philosophy, Peter Winch was largely pursuing two themes, one of which is more conventional and easier to pin down than the other.

The first theme was his critique of classical contract theory, as exemplified especially by Hobbes and Locke and to some extent, in our own time and in his own way, by John Rawls (1971) in his *Theory of Justice*. The aim of classical contractarianism was to demonstrate that the authority of the State could be derived from the practical reasoning of individuals, reacting to concerns they might have *before* organised social life is in place.¹ Winch argued that that theory fails by its own lights. The role of authority in human reasoning must, instead, be seen as something primitive. His conclusion was mainly a negative one about the viability of a rationalist conception of the nature social relations; one for which, as it seems to me, Winch presented a compelling argument.

The second theme is, perhaps necessarily, more open-ended. I argue, however, that the connections between Winch's political philosophy and his other long-term philosophical commitments are especially visible there – much more so than when he engages with contractarianism directly.

Among the philosophical commitments that Peter Winch expressed in his work, his resistance to the philosophical impulse to reify general concepts and rules is one of the most distinctive and consistent. I would call it his emphasis on the primacy of the particular (but I am not aware of Winch having used this expression).² In different ways, Winch kept returning to the idea that the meanings of general terms – like 'rationality', 'reality', 'agency', 'contradiction', etc., – should be elucidated in relation to the concrete instances where they are invoked. This is not to say the one can be reduced to the other; rather there is ongoing interplay between the general and the particular. For Winch, this elucidation required a

¹ On Rawls, see Winch 1989, 184-185, 187. Today certain applications of game theory to political philosophy would look like an obvious target of Winch's criticism. This is, however, not a theme that Winch discussed.

² In his notes for 'Intercollegiate Lectures on Political Philosophy' (1969-70, 3) Winch includes a mention of 'the craving for particularity'. Lynette Reid informs me that Winch is repeating a joke that Gerald Cohen (who participated in the lectures) made about him.

further but related philosophical commitment: *the primacy of agency* over spectatorship. The idea is that we understand particular cases of human reasoning and motivation primarily from the ‘inside’ – thanks to our ability to take up the position of an agent who confronts the case at issue.

This is, then, what I choose to call Winch’s ‘second theme’: the primacy of agency over spectatorship. It goes without saying that this second theme is much more difficult, as it were, to wrap up than the relatively limited task of producing a critique of contractarianism. It is more like a *method* for attacking *local* questions – a pursuit rather than a result.

Winch, moreover, did not get very far in deploying his method with specifically political themes. He stressed in several places that answers to the question how to recognise the legitimate exercise of political authority, cannot be derived merely from an analysis of a generalised concept of rational agency. What was still lacking, however, was his *own* ‘agent’s perspective’ on questions of political legitimacy in his own day. In his teaching in the ‘90s, Winch took up Václav Havel’s (1990) essay ‘The Power of the Powerless’ as an example of someone describing the perspective of an agent confronting a political situation. But we do not have any similar text by Winch himself.

For Winch, the meaning of legitimacy is always tied up with a particular political culture, with the specific choices that it presents to the agent. Yet, somewhat uncharacteristically, a large part of Winch’s work on political philosophy concerns the *general* question of ‘the nature of the state’s authority and the citizen’s obligation to it’ (Winch 1990, 223). It seems as if Winch had, to some extent, been derailed from his philosophical *idée maîtresse*. I can see two reasons for this. One is the sheer weight of the tradition he was criticising. When engaging with a text, even a critical reader runs the risk of going too much along with its ways of framing its questions. The other reason might be Winch’s reluctance for his own part to engage in political analysis or partisanship – his reluctance to *take* the kind of agent’s perspective that he agrees to be essential. There is a thin line between analysing one’s present political culture and being an active participant in it; a line that, as it seems, Winch was wary of crossing or even approaching. In the end of this paper, I hope to present some ideas about how what I have called Winch’s ‘second theme’ might be developed further in political philosophy. I do this chiefly by way of a brief presentation of recent work by political theorist Christopher Robinson.

II *The 'Paradox' of Authority*

First let me present a summary of how Winch criticised contract theory. This is obviously not a full-fledged defence of his views, but only the outlines of an argument that I for my own part find convincing. Winch's favoured starting point was Hobbes ([1651] 1981) who, as he believed, had produced a very explicit and therefore helpful account of the view of human motivation that underlies contractarianism. Winch wrote,

[W]hat I see as the central problem about the nature of legitimate political authority, and which led me into a consideration of Hobbes [...] is one that concerns the relation between the "will" of the one who exercises authority and that of the one who is subject to his commands. How can the latter be regarded as acting genuinely rationally and responsibly? (Winch, ed. Campbell, 2016, 51).

The problem is, briefly, this. The exercise of legitimate authority is not simply an application of coercive power. Some way or other, the citizen or subject is expected to obey *voluntarily*. Authority implies consent. But the concept of voluntary obedience presents us with an apparent paradox. We do something voluntarily because we *want* it. But to obey someone is, by definition, to do something, not because one wants it, but because someone else wants it. So the question is how the subject's will can possibly 'bind itself' to someone else's commands, especially when compliance implies doing things that one otherwise would not? Yet clearly this is what happens, and it is not routinely dismissed as confused.³

Famously, Hobbes and subsequent contract theorists argued that political authority could be understood as the outcome of a hypothetical contract. The subjects have exchanged their freedom to act in ways that lie in their short-term interest for the long-term benefits of living in an organised society.

Winch's critique of Hobbes is largely an immanent one: Hobbes cannot reach the conclusion he wants with the conceptual resources he allows himself. The essence of the social contract is not that it creates a tolerable *modus vivendi*, but the fact that it is supposed to create an

³ As Winch's discussion (ed. Campbell, 2016, 30-32) brings out, this paradox is particularly pressing for Hobbes because of his specific view on human motivation: his determinism, his causalist view on action and his logical hedonism.

obligation. How can rational agents get from *prudence* to *obligation*? This, or so Winch argues, would require that they have an idea of being ‘bound’ by their word already before they enter the social contract. But this is something that Hobbes excludes *ex hypothesi* in the state of nature. In the state of nature, no obligations exist. Everyone is expected to fend for himself and for himself only, by any means available, including fraud.⁴ For Hobbes, the social contract or ‘Covenant’ is the *primaeval* contract that creates the foundation for any future contract, indeed for the very way of life that includes the possibility of entering a contract.

Winch argues that ‘the paradox of authority’ is only solved by admitting that ‘the reaction to authority is something primitive’ (Winch, Campbell, ed. 2016, 2). This means, first of all, that discussions about legitimacy take place within some established framework of political thinking, where differences between legitimate and illegitimate rule are already presupposed. Secondly and more radically, reason and concepts of authority develop together. The exercise of reason belongs to social life, some of which involves relationships of authority as a matter of course.

At this point, Winch takes in an argument from Wittgenstein’s (1972) *On Certainty*. He argues that Wittgenstein’s perspective dissolves the apparent paradox. The fact that we do things simply because others expect us to (obedience being one form of such action) is not a departure from rationality. It is an important, indeed constitutive, form that practical rationality may take.

The notion of practical reason itself requires at many points a recognition of the authority of others that is *primitive*. Once this is accepted the notion of the state’s authority is freed from the requirement to satisfy conditions that are in fact unsatisfiable (Winch 1990, 236).

III *The Argument from On Certainty*

Wittgenstein describes meaningful thought as an activity bound up with human interaction and interdependence. We learn from him that there is no *one* ‘standpoint of reason’ given to us independently of our relations with people.

⁴ Winch’s main criticism of Locke’s subsequent development of contract theory is that, rather than solving the problem, he brushes it under the carpet.

Wittgenstein starts from the observation that there will be statements that we do not doubt. His examples are not of the kind usually cited as self-evident truths, but statements that, on the surface, look much more like empirical claims. I do not doubt that the world is more than 150 years old (Wittgenstein 1972, §§ 138, 182–192).⁵ I have never visited outer space, and I cannot be mistaken about that (Wittgenstein 1972, § 102). Wittgenstein argues that my absence of doubt here is ‘anchored in all my *questions and answers*’ because ‘[a]ll testing, all confirmation and disconfirmation of a hypothesis takes place already within a system’ (Wittgenstein 1972, §§ 103, 105). My rational thinking on the whole is characterised by my membership in a ‘community [...] bound together by science and education’ (Wittgenstein 1972, § 298, quoted in Winch 1990, 232). I build up my world picture by listening to others and generally believing them. But even cases of disbelief presuppose trust in other directions (Wittgenstein 1972, § 115). Crucially, the roles of trust and epistemic authority are highlighted. As a child, I rely on my parents and educators for the truth. I do not start by first satisfying myself of their trustworthiness.

Winch argues that this is ‘quite continuous with’ children’s natural tendency to do what adults tell them to, ‘a response which cries out to be called an acceptance of adult authority’ (Winch 1990, 231). So the solution, for Winch, is that the recognition of authority is a constitutive element of rational thinking; and that our acceptance of the possibility of legitimate political authority is one aspect of that.

I personally find the general idea that the recognition of authority in some form is integral to rational thinking quite convincing. But would it appeal to confirmed rationalists or contractarians? The obvious question here would be: What is the bearing of this factual point about the role of authority in belief formation on the *normative* question of the justification of authority? Isn’t the answer, ‘This is just what we do’, beside the point if *justification* is the crucial question?

⁵ One conclusion from Wittgenstein would be that, in a sense, it is *easier* to refute the statement that the world is less than five million years old than that it is less than 150 years old. Engaging with the first statement mobilises all the resources of geology and genetics, while the latter statement implies utter scepticism about those very resources.

However, I do not think this objection is really relevant from Winch's point of view. He is trying to see what is involved in rationality as we know it, not assessing it against an idealised picture of rational belief formation. It is easy to see that *any* interesting or demanding intellectual enterprise, such as science or history, and even just participating in an ordinary conversation, implies teamwork. You cannot engage in scientific research unless you accept on trust a huge amount of knowledge from those you consider authorities on the field (see Hardwig 1991). It takes a rather heroic or stubborn cast of mind to maintain that science, the activity usually framed as the pivot of human rationality, is in fact irrational. In this context, Winch and Wittgenstein want to persuade us that we should go for a more realistic (and more helpful) conception of what rationality involves.

This being granted, it seems to me, however, that Winch's argument invites two further questions in the specific context of political philosophy. First of all: *Does* the child accept the authority of its parents? Secondly: To what extent is the relation between children and parents comparable to political authority at all?

Children certainly often go 'unquestioningly' along with what their parents suggest to them. For instance, we all get dressed and go to the supermarket. In some ways, this operation is a continuation of the earlier situation where the baby was just physically moved from one place to the next like another piece of luggage.⁶ If our shopping trip goes smoothly, questions stop there. The situation only turns into a case of 'exercising authority' when the child protests or just does not get dressed quickly enough. Moreover, think of what happens at the supermarket once you get there. The child's behaviour sometimes develops into the classical nightmare scenario for parents – throwing a tantrum on the floor, etc. The parents may need to muster all of their authority. But at this point of course their authority is not exactly 'unquestioned'!

In other words: When the parents' authority is not challenged, it is not obvious that the concept of authority has a role to play in the situation at all. Why not simply say that the parents and the child undertake a trip *together*? When, on the other hand, the authority of the parents is *questioned*, there is a contest of wills. To learn the concept of authority is, in part, to learn the give-and-take that is part of any cooperative enterprise.⁷ In her discussion of *On*

⁶ As pointed out by Reid (2017).

⁷ For a related discussion, see Lagerspetz 2015, 145-146.

Certainty and Winch's presentation of it, Lynette Reid points out that infant development should not be pictured as a simple process of 'agreement first, disagreement later':

This whole scenario could hardly be described as a bedrock of obedience and deference that must be in place before rebellion (or questioning) can be made sense of. Rather, we have complex patterns of dependence, struggle, and differential power from which notions of agency and society emerge – where primitive reactions constitute the materials from which more sophisticated notions of harmony *and* conflict are developed.⁸

Perhaps the lesson here is to think of authority in wider terms than the Hobbesian idea of near-total submission. For Wittgenstein as for Winch, authority is perhaps more like part of a continuum of various ways of doing things together. The 'paradox of authority' makes its appearance only if you have a very simple idea of what 'free choice' implies. In reality, you are *always* surrounded by people who influence you, who expect something from you, whose lives matter to you and who are dependent on your actions. We face the questions: Whom should we listen to, whom can we let down? The important thing is to see these supposedly 'external' influences on our thinking, not as aberrations from the ideally rational exercise of judgment, but as integral to what rationality involves.

The fact is, however, that neither Wittgenstein nor Winch presented very detailed considerations about the educational process. Some of Wittgenstein's descriptions may give the off-putting impression of authoritarian teaching methods. He insists that the child 'learns by believing the adult' and imagines the teacher telling it off: 'Stop interrupting me and do as I tell you' (Wittgenstein 1972, §§ 160, 310).⁹ In a realistic scenario, one should not think of child upbringing just in terms of one-way communication. There is the corresponding element of the child expressing *its* beliefs and the adult (to an extent) taking them seriously. This is also more in line with Wittgenstein's general emphasis on the acquisition of knowledge as a collective enterprise.

⁸ Reid 2017, 11. Italicisation added.

⁹ Elsewhere in his work, Wittgenstein frequently offers mechanical training as a model for teaching language or specific rule following activities – admittedly always in stylized illustrations of specific activities and not as a general model for learning. See, for instance, Wittgenstein, *Blue Book*, p. 77; Wittgenstein 1953, §§ 5-6, 157.

But there is a second question. From the argument just presented, it does not follow that human life universally involves a specifically *political* form of dependence. Winch himself acknowledges the importance of distinguishing between different kinds of authority, pointing to questions ‘concerning for instance, the various roles that the state plays in our lives and thinking, the relations between its authority and other forms of authority with which we are familiar, the maintenance of social order, etc.’ (Winch 1990, 236). However, he does not actually go very far into those questions. Having the concept of political legitimacy implies for Winch ‘a whole way of thinking and proceeding’, which crucially implies a kind of life that involves ‘invoking the state’ (Winch 1990, 236-237). Thus in practice, Winch is prone to make a shortcut from authority in general to political authority and further from there to the authority of the *State*.

IV *The Primacy of Agency*

Winch starts his posthumously published essay, ‘How is Political Authority Possible?’ (2002) with a general remark on political philosophy. He says the question of ‘what political authority is’ has often been raised in the context of specific political disagreements.

[T]here is no doubt that the greatest work in political philosophy has been written by philosophers in the service of some political cause to which they have been deeply committed. This may even be inevitable. Such overlapping concerns are nowhere more evident than in the treatment of the nature of political authority. It is quite evident in the work of, for instance, such writers as Plato, Hobbes, Locke, Rousseau, and, in our own time, Hannah Arendt and Simone Weil, that the accounts they have offered of ‘what authority is’ are inseparable from their evident views about the preferability of some kinds of civil society over others. This situation suggests the possibility that the question ‘what political authority is’ gains its sense from a context of particular political concerns, concerns which, of their nature, will not be shared by everybody and will be opposed by the concerns of others. I am not going to discuss that interesting possibility here (Winch 2002, 20).

Winch is ‘not going to discuss that [...] possibility’, but the things he does discuss in that paper as well as in his other work give us an idea of what he was thinking. Why is it perhaps ‘inevitable’ that the most important questions of political philosophy should arise in the

context of specific political advocacy? The answer is connected with Winch's general idea of what social understanding is.

The situation of the political theorist might be somewhat similar to that of the art historian, as Winch describes it in *The Idea of a Social Science*. 'A historian of art', he says there, –

must have some aesthetic sense if he is to understand the problems confronting the artists of his period; and without this he will have left out of his account precisely what would have made it a history of *art*, as opposed to a rather puzzling external account of certain motions which certain people have been perceived to go through (Winch [1958] 1990, 88).

'Aesthetic sense' means, in this context, being alive to the problems of picture composition, etc. that the artist had to tackle with. To be sure, the art historian does not need to pass judgment about whose picture composition is the best. Yet, inevitably, it seems, he will be required to conduct his work from 'the inside' of the aesthetic concerns that guided the artists of the time. In Collingwood's terms, he will have to re-enact their reasoning. In his *Autobiography*, Collingwood (1939, 2) relates how, observing his parents' artistic work, he 'learned to think of a picture not as a finished product exposed for the admiration of virtuosi, but as the visible record [...] of an attempt to solve a definite problem in painting'.¹⁰

Similarly, perhaps, the question of the nature of political authority 'gains its sense from a context of particular political concerns' (Winch 2002, 20) which would need addressing from an agent's perspective. This would, at the same time, imply that philosophical discussion of political authority in the abstract, outside such contexts, is to some extent *meaningless*. Just as there is no right way, which is *the* right way, always and everywhere to compose a picture, there is no answer once and for all to the question what constitutes legitimate political authority. Even more radically, the question itself is not the same in sufficiently different political environments. Winch consistently made this point in his political philosophy. In 1972 he expressed it as follows:

¹⁰ Winch avoids the term 're-enactment', partly because he goes along with the then (1958) usual misconception of re-enactment as psychological *Einfühlung* and not, as Collingwood would have it, a critical reconstruction of past reasoning along with the historically contingent conditions of its meaningfulness (see Winch 1990 [1958], 132). That view is no longer held among Collingwood scholars (D'Oro and Connelly, 2015).

[The] concepts [of authority and rationality] [...] have complex and shifting relations to each other depending on the contexts within which they are being applied [...], [to] be decided upon by considering relevant particular cases of [the] exercise [of authority] and there is no general answer which can be given (Winch 1972b, 21).

As a case in point, Winch discusses the idea of consent in his posthumous essay (2002). He agrees that some idea of consent is inherent in any concept of legitimate authority. However, he thinks the questions which Locke and Hobbes had framed as ones about the nature of political consent in general, in fact presuppose historically specific frameworks for ‘the very multifarious ways’ (Winch 2002, 32, cf. Winch, ed. Campbell, 2016, 70) in which questions about consent emerge. The individual is not facing the abstract question of how human social life always should be organised, but she is born into a society already faced with particular political choices. In that life, on the other hand, those choices may come across as very urgent.

Winch (2002) cites, with approval, Hume’s (1970) criticism of Locke’s idea of political consent. In the concrete case that Hume apparently had in mind (the Stuart Restoration of 1660), the subjects joyously welcomed their King back from exile, or so Hume claims, because they believed him to be their lawful sovereign. Unlike how Locke would have it, they did not think the returning King was the legitimate ruler *because of* their consent. Their consent had been based on ideas of dynastic succession inherent in the political tradition in which they had been raised. They were thinking as citizens of a particular country in a particular situation.

In an earlier essay¹¹, Winch includes a formulation of Rousseau’s views on political education, one with which he agrees. For Winch as for Rousseau, developing an understanding of the idea of political legitimacy is all of a piece with *becoming* a citizen who exercises that sort of understanding. ‘What it requires’, Winch says, ‘is a life in which the citizens can exercise judgment and in which they do apply that judgment to questions about the justice of social arrangements’ (Winch 1972, 108).

¹¹ ‘Man and Society in Hobbes and Rousseau’, included in Winch 1972, 90-109.

Thus, for one thing, it is only in the context of the specific political tradition that one will be able to identify the ‘right’ kind of consent that goes together with legitimacy. Secondly, the discussion of such questions requires one to adopt the perspective of agency. Whether a citizen *does* consent to an authority is a question to which *that* citizen will have the answer. However, we can *evaluate* the nature of that consent – whether it is voluntary or forced, genuine or manipulated – by placing ourselves inside the kind of reasoning that guides the citizen’s thinking. To formulate this in a way that avoids unwanted associations with psychologically ‘getting inside people’s heads’ (see Winch 1997): We must address their questions and choices from the point of view of the ‘definite problem’ (Collingwood 1939, 2) they were trying to solve. Even if it may not, or no longer, be a problem for *us*, we must recognise its meaningfulness in the situation we are analysing.

V The Primacy of Agency Elsewhere in Winch’s Philosophy

Before moving on, let me point to parallels in works by Winch on themes other than political philosophy. The primacy of the particular and the primacy of agency are discussed in an illuminating way in the essay, ‘The Universalisability of Moral Judgments’ (in Winch 1972, 151-170).

In our activity of judging, as spectators, there is interplay between general principles and our grasp of particular cases. To be sure, our moral thinking is by definition shaped by the fact that we view particular cases in the light of general moral issues (Winch 1972, 153) – which may sometimes involve the formulation of general moral principles. We are rationally committed to judging relevantly similar cases similarly (Winch 1972, 154). On the other hand, Winch says, it is only by considering particular cases that we discover what the general principles amount to. The particular case and our responses to it are the final touchstone of any general principle. – In sum, from a *spectator’s* point of view, there is room both for judgments about what people generally ought to do and for views on particular cases. But the activity of passing spectator’s judgments in moral issues is *secondary* to the experience of being faced with moral choices of one’s own.

[W]hen I think about the moral decisions and dilemmas of others, it seems to me that I am very often asking: ‘What would *I* think it right to do in such a situation?’ That is, I am making a hypothetical agent’s judgment of my own. Thus, only a man who is himself a moral agent, who is capable of making moral decisions of his own, is

capable of making and understanding spectators' moral judgments about the actions of other people. In this respect moral judgments are analogous to statements of intention or statements about pain. The grammar of my attributions of intentions or of pains to other people is quite different from that of my expressions of intention or pain-complaints; but I have to understand the grammar of first-person expressions of intention or pain-complaints, if I am to be able to make and understand third-person attributions; and my ability to operate with such first-person expressions is an essential part of such understanding (Winch 1972, 153-154).

Winch's view on universalisability, as well as the specific example he is considering in that essay, fall outside the present discussion.¹² But three important ideas stand out. First of all (1), considerations of particular cases in ethics are primary in the sense that the meaning of general principles, and the weight they carry, can only be understood via their particular instantiations. Winch's later paper, 'Who is my Neighbour?' picks up this thread (Winch 1987, 154-166). Secondly (2), this kind of understanding requires the ability to reconstruct the position where action is required. Even if we might not find ourselves able imaginatively to inhabit the position of a moral agent facing a particular choice (because that choice would not pose a problem to *us*) we must see why the agent sees the dilemma as something that calls for action. Agency is primary to spectatorship. The need of this kind of agent's perspective for social understanding is integral to the argument in *The Idea of a Social Science* (Winch [1958] 1990). Thirdly (3), agent's judgments, in the kinds of moral dilemma Winch considers particularly revealing, involve first vs. third person asymmetry. They are cases of arriving at some insight about what is morally possible or impossible in one's own case. Thus 'what one finds out is something about oneself, rather than anything one can speak of as holding universally' (Winch 1972, 168). In the later paper, 'Darwin, *Genesis* and Contradiction' (Winch 1987, 132-139), Winch makes a similar point about logical contradiction in general and contradiction in religious beliefs in particular.

Winch perhaps still does not make it quite clear what the primacy of the particular and the primacy of agency amount to in a moral context. His argument is of the form, 'Without *this*,

¹² The conclusion Winch draws here is, firstly, that any moral agent is committed, by pain if inconsistency, to treating all similar cases (including his own) in the same way – unless of course he has changed his mind in the meanwhile. This view is widely shared among moral philosophers. His second conclusion is not so. He argues that the moral agent is not similarly committed to thinking that *other* moral agents, looking at the same cases, would have to arrive at the same judgments as he has.

you cannot do *that*'; or perhaps, '*First* you must understand this *before* you can understand *that*'. He frequently presents arguments concerning relations between different uses of concepts in terms of considerations of how we would learn to understand the relevant concepts. But even though Winch often frames his argument in terms of the stages of a learning process¹³ the main issue has to do with logical rather than temporal succession.¹⁴ It is, he suggests, impossible for you to *understand what it means* to endorse general moral rules unless you are able also to make judgments of particular cases. And it is impossible for you to evaluate other people's actions unless you can apply the same kind of reasoning to your own case. One way to put this is: You must be able to participate in the language game of giving praise and assigning blame, etc., for the choices that people make in their lives. You display your understanding of the game by applying it in particular cases. But to 'participate in the game' is not only to judge it but to play it, i.e., to live as a person who makes moral choices.

Hence, a formulation of the primacy of agency in terms of 'acquiring the ability to make judgments' seems slightly misleading. Such ability does not appear to be simply a cognitive capacity, something like the ability to apply general rules correctly to a case that one is presented with. Winch's view rather seems to hinge on the idea of the subject being *in a position* authoritatively to pass judgments. Apparently, Winch would say: There is no reason for anyone else to *take seriously* the verdicts of someone who only wants to pass judgments over others but appears unable to judge his or her own actions. And the important idea here seems to be that genuinely passing moral judgments – rather than just, e.g., parroting what appears to be the socially accepted consensus – is an aspect of the general condition of *being a moral agent*.

In describing a particular case, you no doubt describe it as a particular case *of something or other* – of murder, cruelty, friendship, etc. Indeed if our descriptions only were of particular cases in isolation, it would be difficult to justify their philosophical relevance. There is a kind of dialectic between the general concept and its particular instantiation. But then, in the case

¹³ E.g. Winch (1987), 'Who is My Neighbour?', 162-163; Winch (1972), 'Nature and Convention', 62; 'Man and Society in Hobbes and Rousseau', 108.

¹⁴ The temporal reading of his argument would face the obvious objection that it might be empirically refuted. Is it obvious, for instance, that we need first-hand experience of a murder case before we can judge that murder is wrong?

of such mutual relation, why would one describe one of the poles of this relation as primary with regard to the other?

From Winch's writings, it is clear that he does not think that a particular case can be adequately understood entirely on its own – e.g., the varying reactions of the Priest, the Levite and the Samaritan to the injured man lying in a ditch (Luke 10.29-37; Winch 1987, 154-159). We should think of it in relation to something that goes 'beyond' it, something we bring to it when we confront it as a moral issue. You might describe my moral response to the case in terms of moral necessity or possibility. It may present itself to me as a kind of 'absolute' demand – such as the demand to offer help. I feel the importance of seeing the case in one kind of way rather than another. But particularity is here not merely opposed to generality or universality. It is not always correct to describe the element of going 'beyond' the specific case at hand in terms of applying universal rules. The fact that I see a perspective of moral necessity as inescapable in the case I am confronting does not imply that I must think of it as an application of a rule that must be true of all *other* moral agents as well.

This highlights the importance of Winch's emphasis on the primacy of *agency*. I take the perspective of an agent when I perceive a course of action as the only one morally *possible*. When I imagine the Samaritan saying, of the injured man, 'I *can't* just leave him here to die' (Winch 1972, 157), I am taking up the perspective of someone who must *do* something.

Winch's take on moral questions involves, then, two related but separate concerns. The first insight is that ethics needs to reflect on particular cases. This is beginning to be widely accepted, at least within the movement known as 'the literary turn' in moral philosophy. We are encouraged to analyse full-bodied examples from literature. As Ondřej Beran (2018, 55) has recently put it, such examples constitute a 'reservoir' of cases that may shape our experience of moral life for the better. But this kind of interest is still compatible with mere spectatorship, even if it is agreed that literature should be perused for 'cultivating' one's moral sensibilities or one's vision (the last word implying a more advanced or refined form of spectatorship). Beran, however, cites a further observation from Winch – one that Beran, however, does not develop at any length in his own discussion:

Winch makes an even stronger point and talks about necessity or *impossibility* as *internal* to understanding the example for what it is. Therefore, it was, as he says,

impossible for the Good Samaritan just to pass by the injured man. *As far as he understood* what he saw, he could *not* pass by (Beran 2018, 69; see Winch 1987, 157-159).

This paraphrase of Winch spells out the primacy of agency over spectatorship. The moral responsiveness and sensibility of the Samaritan consisted in the fact that he perceived himself as being *called* to moral agency. (And we do not need to suppose that he had previously cultivated his sensibilities by reading novels.) The Samaritan had a sense of moral necessity that the Priest and the Levite were lacking – and that means he understood something in the situation that escaped the others. In this case, to understand *was* to respond with action. Moreover: We for our part, as readers of the story, understand what ‘being called to moral agency’ *is* by confronting this particular case.

VI Consent and Authenticity

Now going back to issues of political philosophy. Especially in times of political crisis, the question will arise whether the citizen owes allegiance to a given political authority. The citizen is expected to judge for himself or herself what courses of action are acceptable and in this sense, morally possible. The citizen has a kind of first person authority here.

One might now want to draw the conclusion: Whatever authority the majority of citizens recognise is, by definition, legitimate authority for citizens of that community. It is one to which they have given their consent. But the story does not quite end there. For Winch holds that there are acceptable and unacceptable ways of influencing people’s opinions (see Winch 1991, Winch 1992). Politics is notoriously an area where manipulation is rife. In an extreme situation, it is quite possible for me to hold that the *majority* of my fellow citizens are misled, blinded by fear and hate, etc., and so cannot give their informed consent to *any* authority. I might contend that the sense of legitimacy is generally *lost* among my fellow citizens. How would one judge in such a case?

In an unfinished manuscript, Winch describes the development of his work in the following way:

I initially concentrated on developing this insight [concerning the classical social contract tradition], e.g. my paper ‘Authority’. But I still didn’t see clearly enough how

radically a proper understanding of these relations [between authority and reason] undermines not merely certain orthodox conceptions of the authority of the state but also certain orthodox conceptions of reason and logic. In this way I get from political philosophy to the philosophy of logic. If we think that reason must be the source of authority we must ask *what is the authority of reason?* And this is now my more fundamental concern (Winch, ed. Campbell, 2016, 3).

These reflections on reason and reasoning were prominent in the seminars on political philosophy that Winch gave in the 1990s, including the resulting manuscript fragment ‘The Authority of Reason’, as well as in his papers ‘Persuasion’ and ‘Persuasion & Reason’ (Winch, ed. Campbell, 99-127; Winch 1991, Winch 1992). The new departure that Winch is announcing seems to be his exploration of ways in which moral relations between interlocutors, e.g., honesty, are integral to the very idea of rational persuasion. The question of the position of ‘reason’ in human intercourse was not, however, a completely new theme for Winch, although the connection of this question with the authority of the State might have been. On the contrary, he takes up a theme that has followed him constantly, starting with *The Idea of a Social Science*. Asking about the ‘authority’ of reason connects with Winch’s general resistance to a kind of reification of logical relationships. He insists in that book that ‘criteria of logic are not a direct gift of God, but arise out of, and are only intelligible in the context of, ways of living or modes of social life’ (Winch [1958] 1990, 100). To put this concisely, ‘Reason’ as such does not have authority. Instead, authority comes into relations between people via their specific uses of reason; in how reasons for doing or thinking this or that figure in their intercourse.

In his seminars on authority (Winch, ed. Lagerspetz, 1990), Winch considered three thinkers who voiced their distrust of the political life of their respective societies: Socrates, Simone Weil¹⁵ and Václav Havel. Each believed they lived in a society where genuine political reflection was almost dead. They were also, each in their own way, driven to the political margins of their respective societies.

The central question for them was how to make authentic political discourse possible. Winch was, in particular, interested in Socrates, especially as portrayed in Plato’s dialogue *Gorgias*.

¹⁵ See also Winch 1989 and Winch’s translation of Weil 1987.

Socrates insisted on a difference between good and bad ways of producing persuasion, or genuine persuasion as opposed to false semblances of it (taking the easy way out, appeals to individual or national self-aggrandizement, fear of the opinion of others, etc.). For Socrates, genuine politics presupposes dialogue, where the participants are made to examine themselves – to think critically of their own priorities and ambitions.¹⁶ A central problem at this juncture, both as a theme addressed in Plato’s dialogues and as their subtext (anticipating the fate of Socrates) is how a just person will fare in a society riddled with injustices.

In his 1990 seminar, Winch used Václav Havel’s (1990) essay ‘The Power of the Powerless’ (written in 1978) to discuss ways in which the individual’s relation to politics may be corrupted when political discourse has turned into empty phrases. (Winch also discusses Havel in Winch 1990b, 12–16.) Havel considers what happens when a greengrocer in East Bloc Czechoslovakia adorns the shop window with the slogan: ‘Workers of the world, unite!’ He puts up the sign – which has probably arrived from a central warehouse together with the onions and carrots – simply because that is what his superiors expect of him. Havel writes:

Let us take note: if the greengrocer had been instructed to display the slogan, ‘I am afraid and therefore unquestionably obedient’, he would not be nearly as indifferent to its semantics, even though the statement would reflect the truth. [...] [H]is expression of loyalty must take the form of a sign which, at least on its textual surface, indicates a level of disinterested conviction. It must allow the greengrocer to say, ‘What’s wrong with the workers of the world uniting?’ Thus the sign helps the greengrocer to conceal from himself the low foundations of his obedience, at the same time concealing the low foundations of power. It hides them behind the façade of something high. And that something is *ideology* (Havel 1990, 42).

The message of the slogan in the window is directed upwards, towards the greengrocer’s superiors. It indicates that he is not a trouble-maker. The main conflict in the story takes place, not between different social groups but *within* the individual – who must choose to display the poster or to discard it (Winch, ed. Lagerspetz, 1990). Against conformism, Havel raises the possibility of ‘living within the truth’: rejecting ritual, discovering one’s authentic thinking. Living within the truth has a political significance, not because it is inherently

¹⁶ See my paper Lagerspetz 2019.

oppositional, but because of the context of ‘post-totalitarian’ Czechoslovakia where it is bound to lead to conflict. It arises out of what a person *normally* does – as a greengrocer, poet, brewery worker and so on – when the requirements of ‘life itself’ (Havel’s term) conflict with prescribed behaviour.

VII *Politics of Order and Politics of Dissent*

Winch was impressed by Havel’s essay, apparently because it was the actual case of a citizen confronting questions of legitimacy in his own society. He agreed with Havel that many of the phenomena the latter was describing may also be found in modern liberal societies; such as the political use of legitimising myths. But with a few exceptions,¹⁷ Winch did not engage in the analysis of political discourse in his own society. One reason may have been sheer reluctance to get mired into controversy. Another might be an image of ‘the political’ which he inherits from the classical theory he is criticising – a tradition that focusses on *the authority of the State* (Winch 1990, 223; Winch 1972, 100). The general question of the authority of the State is presented as something independent of the political life of any *particular* State, and thus, as a question that may be addressed outside any specific historical framework. However, this tradition represents in fact a kind of anachronism which, on the whole, would rather go against the grain of Winch’s thinking.¹⁸

In a recent book, *Wittgenstein and Political Theory: The View from Somewhere*, Christopher Robinson (2009) presents a critique of the classical or, as he calls it, ‘epic’ tradition of political theory. The subtitle captures the main idea – in conscious contrast with Thomas Nagel’s famous book title, ‘A View from Nowhere’. Wittgenstein, Robinson reminds us, compared language with an ancient but steadily developing city, with buildings, streets and suburbs stemming from different periods and following different organisational principles (Wittgenstein 1953, § 18). All of it can be captured at a glance if you climb up a hill and look down. However, understanding the real functioning of a city requires an assembly of various street views or landscape sketches of the kind Wittgenstein said he was assembling in his *Philosophical Investigations* (1953, ix).

¹⁷ Winch (1972), 3, 68; Winch ([1958] 1990), 123; Winch 1957.

¹⁸ Cf. Winch 1969-70, 3: ‘It would be dangerous to assume that there is any one problem which all political philosophers have been concerned with. Even if one uses a formula which could be thought to cover the enquiries and difficulties of many different philosophers, there is the real possibility that different men have been troubled about the problem in different ways and hence have different kinds of requirement about what would constitute a satisfactory solution. *This being said I am going to ignore the danger for the time being* and talk about what I do think is in a way the fundamental problem in political philosophy’ (italicization added).

Robinson contends that political theory has been hostage to the one-sided expectation of a hilltop view. The effect of such an approach is that political theory has created a timeless theoretical artefact: the political system perceived as a hierarchical order. ‘The political’ is supposedly a natural category, underlying every conventional form of human organisation.

Reading and learning from the products of the epic tradition – *The Republic*, *The Prince*, *Leviathan*, and so on – is a bond shared by theorists. Yet, the view of politics offered by the heroic theorist is a trap. An entire constellation of concepts emerges around the agreement that politics is a form of order, and these concepts are accepted so readily they may serve to keep us from seeing how politics, the political life, is actually lived today (Robinson 2009, 28-29).

The political life, however, is a historically specific phenomenon. It may disappear – especially at a time when the state apparatus feels threatened – and it may appear in new forms, e.g. as forms of dissent. As to politics today, Robinson argues that in present societies, especially in the U.S., political life has bifurcated into two phenomena, both of which are conventionally described as ‘political’. ‘Politics of unity or order’ involves a Hobbesian sovereign power structure ostensibly dedicated to preserving peace. On the other hand there is ‘politics of resistance or dissent’. After 9/11, politics of unity has become increasingly militarised and de-democratised, casting itself as non-political, which leaves politics of dissent the only form of political life available (Robinson 2009, 161-162).

In sum, politics today is hard to see, firstly, because it does not occur where we might expect it most – the institutions of government, the modern state, have been thoroughly bureaucratized. Politics in this context is an ordinary usage, but for theorists who observe changes in political life and concepts over time, this usage is anachronistic. [...] Politics today, then, is found (if at all) outside of government, and outside of any unitary or exclusive representation of politics as the province of governmental administration or government as the representation of politics (Robinson 2009, 150).

This is what Robinson describes as ‘politics of dissent’. Political life now exists outside the traditional state structure and outside G7 meetings. It involves people engaging themselves

for some agenda or other, sometimes in complete disjunction from the administrative apparatus. Robinson is not alone in his diagnosis; the idea that official politics is drained of genuine content and that it confronts a nascent politics of resistance is put forward, for instance, by Neo-Marxists such as Hardt and Negri in *Empire* (2001). One might object that Robinson is unduly disillusioned about current conventional politics in the U.S. – and perhaps too optimistic about the viability of informal politics. Whether his assessments are correct will be a matter both of debate and of empirical research. However, we do not need to agree with his diagnosis in order to appreciate the conceptual point – which is this: It is a *contingent* question whether politics is still present in the places where we, according to classical political theory, should expect to find it.

I do not consider these ideas to be essentially opposed to the kind of political philosophy that Peter Winch was pursuing – especially considering his interest in the informal politics that Socrates, Weil and Havel were practicing. Robinson certainly questions the ‘Statist’ approach which Winch perhaps took for granted due to his immersion in classical political theory. However, Robinson’s approach agrees with what I have called Winch’s ‘second theme’ – the primacy of the particular and of agency. Winch’s ‘second theme’ is also the place where the *continuities* between Winch’s philosophy of the human sciences, his moral philosophy and his political philosophy come into sight.¹⁹

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¹⁹ Parts of this paper were presented at the *Centre of Ethics* at the University of Pardubice, 4 May 2018 and at the conference *Keeping it Honest. Vulnerable Writing*, 22-23 August 2019, Uppsala University (conference hosted by *Engaging Vulnerability* and organized in collaboration with the *Nordic Wittgenstein Society*). The paper was presented again at *Philosophy Research Seminar*, Åbo Akademi University, 9 September 2019. Thanks to the participants and others for comments and discussions – especially, but not exclusively, to Jonas Ahlskog, Michael Campbell, Martin Gustafsson, Lars Hertzberg, Markus Kortesmäki, Camilla Kronqvist, Lynette Reid and Björn Vikström.

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